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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,956	03/27/2001	Biagio Ravo	2931-010557	1619

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BLYNN L. SHIDELER  
THE BLK LAW GROUP  
3500 BROKKTREE ROAD  
SUITE 200  
WEXFORD, PA 15090

EXAMINER
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LAM, ANN Y

ART UNIT	PAPER NUMBER
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1641

DATE MAILED: 11/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/817,956

Applicant(s)

RAVO, BIAGIO

Examiner

Ann Y. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Slepian, 5,674,287.

Slepian discloses an elongated body member (see Figure 13d), the elongated body member having at least three independent inflatable sections (131, 132, 133) along the length of the body member, wherein the independent inflatable sections are axially spaced along the body member and each inflatable section is axially fixed relative to the remainder of the axially spaced inflatable sections, see Figure 13d; at least one tube (i.e., tube leading to aperture 134) positioned between adjacent inflatable sections, wherein each adjacent inflatable section extends around the entire circumference of the body, see Figure 13d, and wherein the tube extends from a peripheral portion of the device (see 134) between adjacent inflatable sections to a distal end of the body member, see Figure 13d, and wherein the tube has an opening (134) at one end thereof positioned at a peripheral portion of the device between the adjacent inflatable sections, and wherein the tube extends from the opening at the one end to a distal end of the body member, see Figure 13d, wherein the tube is adapted to

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be selectively attached to a suction source or a fluid supply source whereby material can be selectively withdrawn from or supplied to the area surrounding the device and within the hollow viscus between the adjacent inflatable sections with the material flowing through the tube opening at the end of the tube (see Figure 13c, see column 11, lines 26-28, and see column 8, lines 60-63); and means for independently inflating each individual inflatable section to give shape to a collapsed viscous by acquiring its distended form when the inflated section is in the inflated condition, see column 11, lines 19-34.

As to claim 22, the body member is a sleeve that is capable of being fitted over an existing intraluminal tool.

As to claims 23 and 25, the means for independently inflating each inflatable section includes individual fluid lines extending from each inflatable section to a distal end of the body member, see Figure 13c and 13d, see column 8, lines 60-63..

As to claims 24, 26-28, 31, at least one optical scope positioned between adjacent inflatable sections and extending to a distal end of the body member whereby an operator may view the section of the hollow viscus between the adjacent sections. (Slepian et al. disclose that the device in Figure 20(d) can have additional lumens to provide for inflation of balloons, optical fibers, etc. Slepian et al. discloses a catheter with such additional lumens in Figure 13b, for example.)

As to claim 29, the individual inflatable sections are adapted to conform to specific anatomical structures.

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As to claim 30, each inflatable section is generally a cylindrical shape, see Figure 13d,

As to claim 32, the device further includes an end tube (conduit 156, in embodiment in figure 15b) as claimed.

### ***Response to Arguments***

Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is (703) 306-5560. The examiner can normally be reached on M-Sat 11-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (703)305-3399. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0196.

A.L.

  
LONG V. LE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600  
11/16/03